

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

N.B., A MINOR, BY HER PARENTS, NATURAL GUARDIANS, AND NEXT FRIENDS DWAN BRAY AND AARON BRAY,)	
Plaintiffs,)	CASE NO. 1:20-CV-699
vs.)	DISTRICT JUDGE TIMOTHY S.
BON SECOURS MERCY HEALTH, INC., <i>et al.</i>,)	BLACK
Defendants.)	Magistrate Judge Karen L. Litkovitz
)	<u>JOINT MOTION FOR LEAVE TO</u>
)	<u>SUBMIT SUPPLEMENTAL</u>
)	<u>BRIEFING REGARDING</u>
)	<u>PLAINTIFF'S MOTION FOR</u>
)	<u>REMAND</u>
)	

MOTION

Plaintiffs, N.B. a Minor, by her Parents, Natural Guardians, and Next Friends Dwan Bray and Aaron Bray, and Defendant United States of America jointly request leave to submit further briefing regarding Doc#:20, Plaintiff's Motion for Remand with Leave to Conduct Jurisdictional Discovery ("Motion to Remand"), PageID#:332-342. Further, the parties jointly request that this Court adopt the following briefing schedule:

Plaintiffs' Supplemental Memorandum in Support of Motion to Remand shall be filed within 30 days of any Order from this Court granting the Parties' Joint Motion;

The United States' Supplemental Memorandum in Opposition to Motion to Remand shall be filed within 30 days after the filing of Plaintiffs' Supplemental Memorandum; and

Plaintiffs' Supplemental Reply in Support of Motion to Remand shall be filed within 14 days after the filing of the United States' Supplemental Memorandum.

A Memorandum in support of this request follows.

Respectfully Submitted,

/s/ Myles J. Poster

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MEMORANDUM

On June 8, 2021, this Court granted leave to conduct jurisdictional discovery as the Motion to Remand remained “pending.” *Doc#:26, Order Granting Motion for Leave to Conduct Discovery, PageID#:514-525*. The Court directed that it would “consider Plaintiffs’ motion for remand (Doc. 20)” and hold “a hearing on the motion for remand” at the conclusion of the jurisdictional discovery period. *Id., PageID#:525*.

Consistent with that order, the parties provided the Court with a Joint Status Report by email on September 3, 2021. As discovery progressed, the parties jointly requested an extension of the period for jurisdictional discovery in order to complete two depositions pursuant to Fed. R. Civ. P. 30(b)(6). *Doc#:30, Joint Motion to Extend Jurisdictional Discovery Period, PageID#:573-576*. This request has not yet been ruled upon, although the Fed. R. Civ. P. 30(b)(6) depositions have been completed.

The parties now agree that all necessary jurisdictional discovery has been completed. While the positions of the parties have not changed, there is agreement that further briefing would be the best avenue in advance of a hearing for developing those positions based upon the factual materials that have been generated and exchanged. Further, supplemental memoranda will avoid surprise, narrow the issues, and streamline any hearing this Court decides to hold.

CONCLUSION

In the interest of fairness and justice, this Court should grant leave to submit further briefing regarding Doc#:20, Motion to Remand, PageID#:332-342, and set a briefing schedule as described in the foregoing Motion.

Respectfully Submitted,

/s/ Myles J. Poster

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CERTIFICATE OF SERVICE

I hereby certify that on February 11, 2022, the foregoing **Motion** was filed electronically. Notice of this filing will be sent to all parties by operation of the court's electronic filing system. *Loc. R. 5.2(b)*. Parties may access this filing through the court's system.

s/ Louis E. Grube

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